

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE

OF MANAGEMENT

Privacy,

Information, and Records Management Services

April 11, 2012

Zachary Stewart
MuckRock News
Dept. MR 1229
P.O. Box 55819
Boston, MA 02205-5819

RE: FOIA Request No. 12-01139-F

Dear Mr. Stewart:

This letter is in response to your e-mail dated April 8, 2012, requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was received in this office on April 9, 2012. Your request has been assigned case number 12-01139-F. Your request was assigned to the appropriate office within the Department to search for documents that may be responsive to your request.

You have also asked for a waiver of all fees associated with processing your requests. You will receive the records that you requested, if they exist, but, your request for a fee waiver is denied.

The Department has concluded that you have failed to provide sufficient information to demonstrate your entitlement to a waiver of processing fees. Accordingly, your request is determined to be a “commercial use” request and, therefore, subject to search and review, as well as duplication or CD recording fees. Additionally, justification has not been provided to explain how copies of the information you requested will contribute any new significant information to the public’s understanding of the Department’s operation.

Attached is general information of the FOIA Fees and Waivers. Should you still wish to claim that the Department’s processing fees should be waived, you must provide more specific and detailed evidence to support your claims under each statutory requirement described in our FOIA regulations (available on the internet at: www.usdoj.gov/foia and outlined in the attachment to this letter.

You have the right to appeal this fee waiver denial within 35 days of the date of this letter. Your written appeal should be accompanied by a copy of your initial letter of request and this denial letter, and should contain any evidence or argument you wish the Department to consider in making an administrative determination on your appeal.

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Appeal Address:

U.S. Department of Education
Office of Management
400 Maryland Avenue, SW, LBJ 2W311
ATTN: FOIA Appeals Office
Washington, DC 20202-4500

Or, you may complete the online FOIA appeal form, located at:
http://www.ed.gov/policy/gen/leg/foia/foia_appeal_form_1.html.

If you have any questions, or would like the original signed copy of this letter, please contact the FOIA Requester Service Center at (202) 401-8365 or via e-mail at EDFOIAManager@ed.gov.

Sincerely,

A handwritten signature in black ink, reading "Linda Darby". The signature is fluid and cursive, with the first name "Linda" written in a larger, more prominent script than the last name "Darby".

Linda Darby
FOIA Public Liaison, OM/PIRMS